

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ETHAN TODD STEWART,
Plaintiff,

v.

WILLIAM STEPHENS, Director,
TDCJ-CID.
Defendant.

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NO. 3:15-CV-1125-M

FEB - 8 2016

RECOMMENDATION REGARDING APPLICATION TO PROCEED
IN FORMA PAUPERIS ON APPEAL
(for PLRA appeals)

Before the court is plaintiff's application to proceed *in forma pauperis* on appeal.

(X) The application to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:

() The plaintiff is not a pauper.

() The plaintiff has not complied with the requirements of 28 U.S.C. § 1915(a)(1) or (a)(2). See Notice of Deficiency and Order filed on _____.

() The plaintiff is barred from proceeding *in forma pauperis* on appeal because of the "three strikes" rule of 28 U.S.C. § 1915(g).

(X) Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the court should certify that the appeal is not taken in good faith.

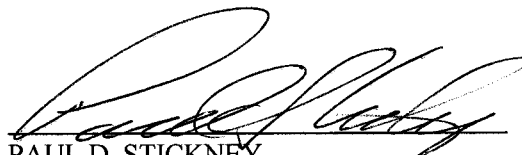
(X) Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff may challenge this finding pursuant to Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the plaintiff moves to proceed on appeal *in forma pauperis*, the prison authorities should be directed to collect the fees as calculated in this order pursuant to 28 U.S.C. § 1915(b)(1) & (2).

() The plaintiff should be assessed an initial partial appellate fee of \$0.00.

(X) The plaintiff is not assessed an initial partial appellate fee.

(X) Thereafter, the plaintiff should pay \$ 505.00, the balance of the filing fee, in periodic installments.

DATE: Feb 8, 2016


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE